

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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D.C. KEENAN & ASSOCIATES

Docket No.: 23-CV-08685 (MKV)

Petitioners,

NOTICE OF CROSS-MOTION

-against-

CHARLES WISELL and LISPSIG SHAPEY
MANUS & MOVERMAN, P.C.

Respondents.

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PLEASE TAKE NOTICE that pursuant to the accompanying Declaration and Memorandum of Law of Kenneth J. Gorman, Esq. dated the 8th day of November 2023, as well as all the pleadings and proceedings heretofore had herein, that, Respondents Charles Wisell and Lipsig Shapey Manus & Moverman, P.C. will cross-move before this Court at the Daniel Patrick Moynihan United States Court House located at 500 Pearl Street on December 6, 2023, for an Order:

- [a] Vacating the arbitration award on the ground that respondent Lipsig, Shapey, Manus & Moverman, P.C. was not a signatory to the arbitration agreement and were not parties to the arbitration proceedings, and because the award is irrational as Wisell does not have the legal authority to force the Lipsig firm pay the award under the common law and under Partnership Law § 20(3)(e) and because the award is irrational given that award amounts to 20% of the Lipsig firm's fee, not 10%; or**
- [b] in the alternative, modifying the arbitration award, reducing it from \$268,028.02 to \$134,014.01, 10% of Wisell's fee; and**
- [c] for any other or different relief this Court deems just and proper.**

Dated: New York, New York
November 8, 2023

Respectfully submitted,



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